

CITY OF LAS VEGAS
BRADFORD R. JERBIC
City Attorney
Nevada Bar No. 1056
ELIAS P. GEORGE
Deputy City Attorney
Nevada Bar No. 12379
egeorge@lasvegasnevada.gov
495 S. Main Street, Sixth Floor
Las Vegas, NV 89101
(702) 229-6629 (office)
(702) 386-1749 (fax)
Attorneys for City of Las Vegas

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CHRISTOPHER GARDNER, individually, and
as heir, and Special Administrator for THE
ESTATE OF ELLEN FINNIE GALLUCCI,

Plaintiffs,

vs.

CITY OF LAS VEGAS, a corporate City of the
State of Nevada; LAS VEGAS
METROPOLITAN POLICE DEPARTMENT,
political subdivision of the State of Nevada;
SHERIFF JOSEPH LOMBARDO,

Defendants.

CASE NO.: 2:16-cv-01384-GMN-CWH

**[PROPOSED] STIPULATION AND
ORDER FOR DISMISSAL WITHOUT
PREJUDICE**

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, plaintiff Christopher Gardner, individually, and as heir and special administrator for the estate of Ellen Finnie Gallucci, by and through his attorney Amy M. Wilson, Esq., of the The Law Offices of Kevin R. Hansen, and defendant City of Las Vegas, by and through its attorneys, Bradford R. Jerbic, City Attorney, by Elias P. George, Deputy City Attorney, and representing that no trial has been set, hereby stipulate to dismissal without prejudice defendant City of Las Vegas from the instant suit.

On September 20, 2016 plaintiff filed suit in the above-captioned matter asserting various 42 U.S.C. § 1983 claims and accompanying state-law tort claims. [ECF No. 7]. The complaint asserts allegations against defendants' City of Las Vegas, Las Vegas Metropolitan Police Department ("Metro"), and Sheriff Joseph Lombardo ("Sheriff") for events relating solely to the

actions (or inactions) of defendants Metro and Sheriff. [ECF No. 7]. Under governing law, however, the City of Las Vegas is not responsible for the actions of Metro or its employees, including the Sheriff, for Metro is an independent governmental entity formed under NRS 280.010, *et seq.* Pursuant to this statutory authority, Clark County and the City merged their police agencies into a single entity, NRS 280.110, which merger consolidated the law enforcement powers of the City and County into a wholly separate and distinct entity, Metro, NRS 280.120, for which the Sheriff is its chief law enforcement officer. NRS 280.121.

IT IS HEREBY STIPULATED AND AGREED that defendant City of Las Vegas, including plaintiff's allegations lodged against the city, is hereby dismissed without prejudice from the instant action, with each party to bear their own attorney's fees and costs.

DATED: October 19, 2016

DATED: October 19, 2016

/s/ Elias P. George

/s/ Amy M. Wilson

ELIAS P. GEORGE
Deputy City Attorney
CITY OF LAS VEGAS
Nevada Bar No. 12379
495 South Main Street, Sixth Floor
Las Vegas, NV 89101
egeorge@lasvegasnevada.gov
Attorneys for City of Las Vegas

AMY M. WILSON, ESQ.
THE LAW OFFICES OF KEVIN R. HANSEN
Nevada Bar No. 13421
5440 West Sahara Avenue, Suite 206
Las Vegas, NV 89146
amy@kevinrhansen.com
Attorneys for Plaintiffs

ORDER

IT IS SO ORDERED.


UNITED STATES DISTRICT COURT JUDGE

DATED this 1 day of October, 2016.